

# UNITED STATES DISTRICT COURT

## Western District of North Carolina

UNITED STATES OF AMERICA

V.

Brian Darnell Henderson

**Filed Date of Original Judgment: 10/16/2008**  
(Or Filed Date of Last Amended Judgment)

) **AMENDED JUDGMENT IN A CRIMINAL CASE**  
) (For Offenses Committed On or After November 1, 1987)  
)  
)  
) Case Number: DNCW507CR00023-002  
) USM Number: 21313-058  
)  
) Ross Hall Richardson & Gary Benthin, II  
) Defendant's Attorney

**Reason for Amendment:**

- |   |   |
|---|---|
| <input type="checkbox"/> Correction of Sentence on Remand (18 U.S.C. § 3742(f)(1) and (2))        | <input type="checkbox"/> Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))   |
| <input type="checkbox"/> Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b)) | <input type="checkbox"/> Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))   |
| <input type="checkbox"/> Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))      | <input type="checkbox"/> Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))                                  |
| <input type="checkbox"/> Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)        | <input checked="" type="checkbox"/> Direct Motion to District Court Pursuant<br><input checked="" type="checkbox"/> 28 U.S.C. § 2255   Or <input type="checkbox"/> 18 U.S.C. § 3559(c)(7) |

**THE DEFENDANT:**

- ☐ Pleaded guilty to count(s).
- ☐ Pleaded nolo contendere to count(s) which was accepted by the court.
- ☒ Was found guilty on count(s) 1, 3, 4 and 5 after a plea of not guilty.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense(s):

| Title and Section                         | Nature of Offense   | Date Offense Concluded | Counts |
|---|---|------------------------|--------|
| 21:846 & 841(b)(1) (A)                    | Conspiracy to possess with intent to distribute cocaine base & cocaine, Sch. II controlled substances | 5/23/07                | 1      |
| 21:841(a), 841(b)(1)(A), 841(b)(1)(C) & 2 | Possessing with intent to distribute cocaine base and cocaine, Sch. II controlled substances          | 2/24/06                | 3      |
| 18:924(c)                                 | Using and carrying a firearm during and in relation to a drug trafficking crime                       | 2/24/06                | 4      |

The Defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

☐ The defendant has been found not guilty on count(s).

☒ **Count 5 is dismissed.**

**IT IS ORDERED** that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 4/21/2014



Richard L. Voorhees  
United States District Judge



Date: May 5, 2014

Defendant: Brian Darnell Henderson  
Case Number: DNCW507CR00023-002

Judgment- Page 2 of 3

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of ONE HUNDRED EIGHTY-EIGHT (188) MONTHS ON EACH OF COUNTS 1 AND 3, TO BE SERVED CONCURRENTLY AND A TERM OF SIXTY (60) MONTHS ON COUNT 4, TO BE SERVED CONSECUTIVELY TO THE TERMS IMPOSED IN COUNTS 1 AND 3, FOR A TOTAL OF TWO HUNDRED FORTY-EIGHT (248) MONTHS.

### JUDGMENT PREVIOUSLY RENDERED WILL BE REAFFIRMED IN ALL OTHER RESPECTS.

- ☐ The Court makes the following recommendations to the Bureau of Prisons:
- ☒ The Defendant is remanded to the custody of the United States Marshal.
- ☐ The Defendant shall surrender to the United States Marshal for this District:
- ☐ As notified by the United States Marshal.
- ☐ At \_ on \_.
- ☐ The Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ As notified by the United States Marshal.
- ☐ Before 2 p.m. on \_.
- ☐ As notified by the Probation Office.

### RETURN

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

Defendant: Brian Darnell Henderson  
Case Number: DNCW507CR00023-002

Judgment- Page **3** of **3**

### STATEMENT OF ACKNOWLEDGMENT

I understand that my term of supervision is for a period of \_\_\_\_\_ months, commencing on \_\_\_\_\_.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

I understand that revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm and/or refusal to comply with drug testing.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
U.S. Probation Office/Designated Witness